

STATE OF NEW YORK U.S. DISTRICT SOUTHERN
COUNTY OF NEW YORK

Index # 08 CIV 4185 Return Date.
Date Filed: 5/1/08 Part #
Invoice Work Order # B20237 Room #

Time: Attnys File #

Attorney: CUDDY & FEDER LLP, 445 HAMILTON AVE. 14TH FLR., WHIT PLAINS, NY 10601 914-761-1300

BILLION TOWER INT'L. LLC

Plaintiff(s) Petitioner(s)

VS

MDCT CORPORATION

Defendant(s) Respondent(s)

STATE OF ~~NEW YORK~~ COUNTY OF ~~NASSAU~~, SS.

AFFIDAVIT OF SERVICE

* JUAN MEDINA, being duly sworn deposes and says: Deponent is not a party herein, is over 18 Years of age and resides in The State of ~~NEW YORK~~ ON: 2008 At: 2103 SANTA ANITA AVE., SO. ELMONTE, CA 91733

Summons and Complaint

on: MDCT CORPORATION

Witness/defendant/respondent
therein named

A. INDIVIDUAL

☐

By Personally delivering to and leaving with said individual, and that he knew the person so served to be the person in said writ. (A fee of _____ pursuant to CPLR Section 8001, was tendered to witness)

B. CORPORATION

☒

By delivering to and leaving with John Doe who refused name/employee and that he knew the person So served to be the Managing Agent of the corporation, and authorized to accept service (A fee of _____ pursuant to CPLR Section 8001 was tendered to witness)

C. SUITABLE AGE PERSON

☐

Service was made in the following manner after deponent was unable with due diligence to serve witness/defendant in person:
By delivering a true copy of each to _____ a person of suitable age and discretion.
Said premises is defendant/respondent() actual place of business () dwelling house (usual place of abode) within the state.
(A fee of _____ pursuant to CPLR section 8001, was tendered to the witness.)

D. AFFIXING TO DOOR

☐

By affixing a true copy of each to the door of said premises, which is defendant/respondent/witness: () actual place of business () dwelling house (place of abode) within the state. (A fee of _____ pursuant to CPLR section 8001, was tendered to the witness.)

E. MAILING
Use with C or D

☐

on deponent completed service by depositing a true copy of each document to the above address in 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

☐

Last known residence

☐

Last known place of business (additional endorsement of Personal and Confidential on face of envelope.)

☐

RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

F. PREVIOUS ATTEMPTS
Use with D

☐

Deponent previously attempted to serve the above named defendant/respondent on below dates and times:

on the _____ day of _____ year at _____
on the _____ day of _____ year at _____
on the _____ day of _____ year at _____

A DESCRIPTION OF THE DEFENDANT OR OTHER PERSON SERVED ON BEHALF OF THE DEFENDANTS IS AS FOLLOWS.

G. DESCRIPTION

☒

Sex: asian Color of skin: _____ Color of hair: black Age: 40 Height: 5'7 Weight: 170

Other Features: _____

MILITARY SERVICE

☐

Deponent asked the person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not. Defendant wore ordinary civilian clothes and no military uniform.

Sworn to before me on 6/05/08

Notary

Server. 

* See attached *

ACKNOWLEDGMENT

State of California

County of Los Angeles

On June 5, 2008 before me, Marcie L. Colley
(insert name and title of the officer)

personally appeared Juan Medina
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Marcie L. Colley (Seal)

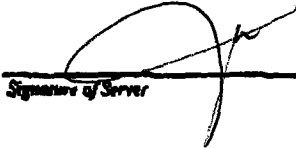


2008-05-20 13:03

5163745146>> 2136201430

P3/17

SD-440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE	
Service of the Summons and complaint was made by me ^u	DATE 6/05/08
NAME OF SERVER (PRINT) Juan Medina	TITLE Server
Check one box below to indicate appropriate method of service	
<input type="checkbox"/> Served personally upon the defendant. Place where served:	
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: John Doe, who refused name employee/ Asian male, 40yrs, 5'7, 170lbs, blk hair	
<input type="checkbox"/> Returned unexecuted:	
<input type="checkbox"/> Other (specify):	
STATEMENT OF SERVICE FEES	
TRAVEL	SERVICES
	TOTAL \$0.00
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.	
Executed on <u>6/05/08</u> <small>Date</small>	 <small>Signature of Server</small>
<u>123 S. Figueroa St. #115, Los Angeles, CA.</u> <small>Address of Server</small>	
90012	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Affidavit of Process Server

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

(NAME OF COURT)

BILLION TOWER INT'L vs MDCT CORPORATION

08CIV4185

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I JUAN MEDINA, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served MDCT CORPORATION

NAME OF PERSON / ENTITY BEING SERVED

with (list documents) Jury demand;summons;3rd amended instructions for filing an electronic case or appeal; procedures for electronic case filingby leaving with JOHN DOE WHO REFUSED NAME,EMPLOYEE At

NAME

RELATIONSHIP

☐ Residence

ADDRESS

CITY / STATE

☒ Business 2103 Santa Ana Ave., South El Monte , CA 91733

ADDRESS

CITY / STATE

On 5/30/08

DATE

AT 11:20 AM

TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on 6/02/08

DATE

from LOS ANGELES, CA 90012

CITY

STATE

ZIP

Manner of Service:

- ☐ **Personal:** By personally delivering copies to the person being served.
- ☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of _____ and explaining the general nature of the papers.
- ☒ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.
- ☐ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- ☐ **Unknown at Address** ☐ **Moved, Left no Forwarding** ☐ **Service Cancelled by Litigant** ☐ **Unable to Serve in Timely Fashion**
- ☐ **Address Does Not Exist** ☐ **Other** _____

Service Attempts: Service was attempted on: (1) 5/26/08 1:59 PM (2) 5/29/08 8:51 AM

DATE

TIME

DATE

TIME

(3) _____ (4) _____ (5) _____

DATE

TIME

DATE

TIME

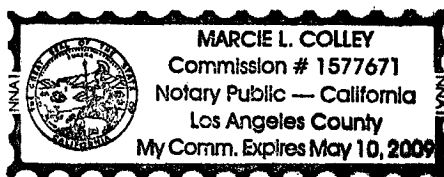
DATE

TIME

Description: Age 40 Sex M Race ASIAN Height 5'7 Weight 170 Hair BLK Beard _____ Glasses _____

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 5th day of June, 2008, by Juan Medina
 Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Marcie L. Colley
 SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of California



FORM 2

NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS